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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.         |
|---|-------------|----------------------|----------------------------|--------------------------|
| 10/561,557  | 12/19/2005  | Andes Monzon         | 60,469-242; OT-5132<br>SWO | 9849                     |
| 7590  | 09/14/2006  |                      |                            | EXAMINER<br>PICO, ERIC E |
| Theodore W Olds<br>Carlson Gaseky & Olds<br>Suite 350<br>400 W Maple Road<br>Birmingham, MI 48009 |             |                      | ART UNIT<br>3654           | PAPER NUMBER             |

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/561,557             | MONZON ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Eric Pico              | 3654                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/19/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: vertically uppermost portion is not proper. The office recommends the phrase read "vertical uppermost portion." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim(s) 1, 2, 4, 6, 8-11, 13, 14, and 16 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Nakagaki et al. U.S. Publication No. 2002/0070080.

4. **Regarding claim 1**, Nakagaki et al. discloses an elevator comprising: an elevator car, referred to as cage 20, movable along car guide rails 22, 23; a counterweight 30 movable along counterweight guide rails 31, 32; a bedplate, referred to as connecting beam 33 supported by the car and counterweight guide rails 22, 31, 32; and a machine, referred to as driving unit 40 supported by the bedplate 33 and driving a tension member, referred to as hoist cable 50, 60 interconnecting the counterweight 30 and the car 20, opposed ends of the tension member 50, 60 being connected at dead end hitches, referred to as anchoring ends 53, 57, 63, 67, the

bedplate 33 having a vertically lowermost surface, shown in Figures 1-3, and the dead end hitches 53, 63 end extending above the vertical lowermost surface.

5. **Regarding claim 2,** Nakagaki et al. discloses the dead end hitches 53, 63 are mounted on the bedplate 33.

6. **Regarding claim 4,** Nakagaki et al. discloses the bedplate 33 is formed by a pair of C-shaped beams, creating an I-beam shown in Figure 2, having an internal space and dead end hitches, referred to as anchoring ends 53, 63, positioned within the internal space, shown in Figure 2.

7. **Regarding claim 6,** Nakagaki et al. discloses a plurality of tension members, referred to as hoist cables 50, 60, and two sets of a corresponding plurality of dead end hitches, referred to as anchoring ends 53, 57, 63, 67, the dead end hitches 53, 57, 63, 67 of each of the two sets being aligned in an array that is generally parallel to a rotational axis, referred to as drive shaft 42, 43, of a machine, referred to as hoist 41.

8. **Regarding claim 8,** Nakagaki et al. discloses the machine 41 comprises a traction sheave 44, 45 having a plurality of sheave surfaces, shown as the surfaces of traction sheave 44, 45, for engaging and driving the plurality of tension members 50, 60, and the dead end hitches 53, 57, 63, 67 disposed within an axial distance defined by ends of the traction sheave 44, 45.

9. **Regarding claim 9,** Nakagaki et al. discloses each of the sheave surfaces are aligned with a respective one of the dead end hitches 53, 57, 63, 67 in each of the sets of dead end hitches 53, 57, 63, 67 such that a line drawn through one of the sheave

surfaces and its two associated dead end hitches 53, 57, 63, 67 is perpendicular to the rotational axis 42, 43.

10. **Regarding claim 10,** Nakagaki et al. discloses the machine comprises a traction sheave 44, 45 having a plurality of sheave surfaces for engaging and driving a plurality tension members 50, 60, wherein each of the sheave surfaces are aligned with a respective pair of the dead end hitches 53, 57, 63, 67 such that line drawn through one of the sheave surfaces and its two associated dead end hitches 53, 57, 63, 67 are perpendicular to a rotational axis 42, 43 of the traction sheave 44, 45.

11. **Regarding claim 11,** Nakagaki et al. discloses an elevator comprising: an elevator car 20 movable along car guide rails 22, 23; a counterweight 30 movable along counterweight guide rails 31, 32; a bedplate 33 supported by the car and counterweight guide rails 22, 31, 32; and a machine 40 supported by the bedplate 33 and driving a plurality of tension members 50, 60 interconnecting a counterweight 30 to a car 20, opposed ends of the tension members 50, 60 being connected at dead end hitches 53, 57, 63, 67, there being two sets of aligned dead hitches 53, 57, 63, 67, each set of dead hitches 53, 57, 63, 67 in an array that is generally parallel to a rotational axis 42, 43 of a machine 41.

12. **Regarding claim 13,** Nakagaki et al. discloses the machine comprises a traction sheave 44, 45 having a plurality sheave surfaces for engaging and driving the tension members 50, 60, and the dead end hitches 53, 57, 63, 67 are disposed within an axial distance defined by the ends of the traction sheave 44, 45.

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13. **Regarding claim 14,** Nakagaki et al. discloses wherein each of the sheave surfaces are aligned with a respective one of the dead end hitch 53, 57, 63, 67 in each of the sets of dead end hitches 53, 57, 63, 67 such that a line drawn through one of the sheave surfaces and its two associated dead end hitches 53, 57, 63, 67 is perpendicular to the rotational axis 42, 43.

14. **Regarding claim 16,** Nakagaki et al. discloses an elevator comprising: an elevator car 20 movable along car guide rails 22, 23; a counterweight 30 movable along counterweight guide rails 31, 32; a bedplate 33 supported by the car and counterweight guide rails 22, 31, 32; and a machine 40 supported by the bedplate 33 comprising a traction sheave 44, 45 for engaging and driving a plurality of tension members 50, 60 interconnecting the counterweight 30 to the car 20, opposed ends of the tension members 50, 60 being connected via dead end hitches 53, 57, 63, 67 to the bedplate 33, the traction sheave 44, 45 having a plurality of sheave surfaces corresponding to the plurality of tension members 50, 60, wherein each of the sheave surfaces are axially aligned with a respective pair of the dead hitches 53, 57, 63, 67 such that a line drawn through one of the sheave surfaces and its two associated dead end hitches 53, 57, 63, 67 are perpendicular to a rotational axis 42, 43 of the traction sheave 44, 45.

15. Regarding claim \*\*\*, \*\*\* discloses \*\*\*.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim(s) 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nakagaki et al. U.S. Publication No. 2002/0070080 in view of Ando U.S. Patent No.

6435316.

18. **Regarding claim 3**, Nakagaki et al. discloses the bedplate 33 is formed by at least one beam and the dead end hitches 53, 63 are supported by a vertical portion of the beam 33.

19. Nakagaki et al. is silent concerning the dead end hitches are supported by a vertical uppermost portion of the beam.

20. Ando teaches a bedplate, referred to as rope end fixing member 37, is formed by at least one beam, and the dead end hitches, referred to as fastening member 19, are supported by a vertical uppermost portion of the beam 37, shown in Figure 3.

21. It would have been obvious to one of ordinary skill in the art at the time of the invention to support the dead end hitches disclosed by Orrman et al. by a vertical uppermost portion of the beam as taught by Ando to facilitate the connection between the bedplate and the dead end hitches.

22. Claim(s) 5, 7, 12, 15, 17 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagaki et al. U.S. Publication No. 2002/0070080 in view of Orrman et al. U.S. Publication No. 2002/0017434.

23. **Regarding claim 5, 15, and 17**, Nakagaki et al. is silent concerning the bedplate is supported by both of the car and counterweight guide rails.

24. Orrman et al. teaches a bedplate 17 is supported by both of the car and counterweight guide rails 1, 3.
25. It would have been obvious to one of ordinary skill in the art at the time of the invention to support the bedplate disclosed by Nakagaki et al. by both of the car and counterweight guide rails to facilitate the support of the bedplate.
26. **Regarding claim 7 and 12,** Nakagaki et al. is silent concerning each of the sets of dead end hitches are disposed on opposed lateral sides of the rotational axis of the machine.
27. Orrman et al. teaches dead end hitches 10, 11 disposed on opposed lateral sides of the rotational axis of the machine 8.
28. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose each of the sets of dead end hitches disclosed by Nakagaki et al. on opposed lateral sides of the rotational axis of the machine as taught by Orrman et al. to facilitate the support of each of the sets of dead end hitches.

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnes U.S. Patent No. 6223862, Wagatsuma et al. U.S. Patent No. 6234276, Kocher et al. U.S. Publication No. 2004/0108170.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600